

United States District Court  
Eastern District of Michigan

UNITED STATES OF AMERICA,

Plaintiff,

Criminal No. 19-cr-20833

v.

Honorable Robert H. Cleland

D-1 ELIZABETH PROPHITT, CRNA

Defendant.

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**JOINT STATUS REPORT**

In its August 5, 2020 Order indefinitely continuing the trial date and plea cut-off date, and making a finding of excludable delay under the Speedy Trial Act, the Court ordered the parties to file joint periodic reports outlining the status of the case and any changes in the circumstances that justified this continuance. ECF No. 22. The parties previously submitted a report in September 2020, informing the Court that, as of the date of the filings, the circumstances justifying the continuance remained. ECF No. 23.

These circumstances remain largely unchanged through the date of this report. Specifically:

1. The unprecedented and exigent circumstances created by COVID-19 and related coronavirus health conditions have created a health emergency throughout

the United States and numerous foreign countries that has resulted in widespread societal disruption.

2. In these circumstances, the Court has issued many Administrative Orders establishing new and alternative procedures for Court operations. Those Administrative Orders were summarized in the Court's Ordering continuing all dates and in prior Status Reports. Of most relevance, on July 2, 2020, the Court issued Administrative Order 20-AO-038, which set forth the Court's phased-in recovery plan and extended application of the CARES Act. Under the Order, courthouses remained closed with some limited exceptions, criminal proceeding by VTC could continue, and criminal trials would resume, but only for "critical criminal trials" subject to a 17-part balancing test.

3. On July 21, 2020, this court issued Administrative Order 20-AO-39, which explicitly found, after considering current conditions in the state of Michigan that "proceeding with a jury trial at this time would be impossible, or result in a miscarriage of justice." Having made further generally applicable findings relating to the ability of counsel to prepare and the court's ability to safely convene juries and bring counsel and court staff into courtrooms, the court concluded this AO by excluding delay under 18 U.S.C. § 3161(h)(7)(A) from July 2, 2020, until further order of the court.

4. As of now, no criminal trials are scheduled to take place in the Eastern District of Michigan. Also, under the Court's test, the parties do not believe that this case qualifies as a "critical criminal trial." Thus, the circumstances justifying continued delay have not changed.

5. Most recently, on September 28, 2020, this court issued Administrative Order 20-AO-046, which, among other things, extended the authorization to use video conferencing in criminal proceedings until December 28, 2020.

6. In addition to the above, the case specific reasons for this continuance that have been recited in the initial Order and prior Status Reports remain largely unchanged..

The parties are available to engage in a telephonic status conference regarding this case. The parties will inform the Court when and if the circumstances justifying the continuance no longer exist and will file another joint status report as appropriate.

Respectfully submitted,

MATTHEW SCHNEIDER  
United States Attorney

Dated: November 18, 2020

s/Brandy R. McMillion

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